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DOCKET NO: C1039.70078US00

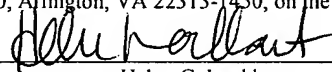
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Arthur M. Krieg, et al.  
Serial No: 10/627,331  
Confirmation No: 4362  
Filed: July 25, 2003  
For: METHODS FOR TREATING AND PREVENTING  
INFECTIOUS DISEASE

Examiner: Not yet assigned  
Art Unit: 1632

CERTIFICATE OF MAILING UNDER 37 C.F.R. §1.8(a)

The undersigned hereby certifies that this document is being placed in the United States mail with first-class postage attached, addressed to Commissioner for Patents, P.O. Box 1450, Arlington, VA 22313-1450, on the 12 day of January, 2004.



Helen C. Lockhart

Commissioner for Patents  
P.O. Box 1450  
Arlington, VA 22313-1450

TRANSMITTAL

Sir:

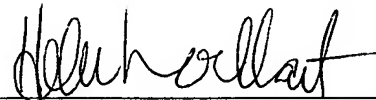
Transmitted herewith are the following documents:

- ☒ Information Disclosure Statement;
- ☒ PTO Form 1449;
- ☒ Return Receipt Postcard.

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 720-3500, Boston, Massachusetts.

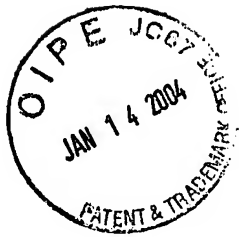
No fee is enclosed. If there is a fee associated with this filing, then please charge the amount to the account of the undersigned, Deposit Account No. 23/2825. A duplicate of this sheet is enclosed.

Respectfully submitted,



Helen C. Lockhart, Reg. No. 39,248  
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Docket No. C1039.70078US00  
Date: January 12, 2004  
xNDDx



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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Helen C. Lockhart, Ph.D., Reg. No. 39,248

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**STATEMENT FILED PURSUANT TO THE DUTY OF  
DISCLOSURE UNDER 37 CFR §§1.56, 1.97 AND 1.98**

Sir:

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, the Applicant requests consideration of this Information Disclosure Statement.

**Compliance with 37 C.F.R. §1.97**

This Information Disclosure Statement has been filed before the mailing date of a first Office Action on the merits in the above-identified case.

No fee or certification is required.

**Information Cited**

The Applicant hereby makes of record in the above-identified application the information listed on the attached form PTO-1449 (modified). The order of presentation of the references should not be construed as an indication of the importance of the references.

The Applicant hereby makes the following additional information of record in the above-identified application.

The applicant would like to bring to the Examiner's attention the following co-pending applications that may contain subject matter related to this application (copies are not enclosed because copies were provided in parent application 09/630,319 to which the instant patent application claims the benefit of priority under 35 U.S.C. §120, except 09/630,319, a copy of which was provided in parent application 10/187,489 to which the instant patent application claims the benefit of priority under 35 U.S.C. §120)

| Docket Number   | Serial Number | Filing Date | Inventor(s)       |
|-----------------|---------------|-------------|-------------------|
| C1037.70013US00 | 09/776,479    | 2/2/01      | Bratzler et al.   |
| C1037.70016US00 | 09/009,634    | 1/20/98     | Hutcherson et al. |
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| C1037.70042US00 | 10/613,524    | 7/3/03      | Krieg             |
| C1037.70043US00 | 10/613,739    | 7/3/03      | Krieg             |
| C1037.70044US00 | 10/613,716    | 7/3/03      | Krieg             |
| C1037.70045US00 | 10/613,228    | 7/3/03      | Krieg             |
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| Docket Number   | Serial Number | Filing Date | Inventor(s)      |
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| C1041.70037US00 | 10/407,952    | 4/4/03      | Lipford et al.   |

### Remarks

Documents cited anywhere in the Information Disclosure Statement are enclosed unless otherwise indicated. It is respectfully requested that:

1. The Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims;

2. The enclosed form PTO-1449 be signed by the Examiner to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application;

3. The citations for the information be printed on any patent which issues from this application.

By submitting this Information Disclosure Statement, the Applicant makes no representation that a search has been performed, of the extent of any search performed, or that more relevant information does not exist.

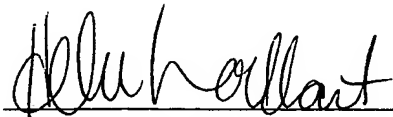
By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b).

By submitting this Information Disclosure Statement, the Applicant makes no representation that the information cited in the Statement is, or is considered to be, in fact, prior art as defined by 35 U.S.C. §102.

Notwithstanding any statements by the Applicant, the Examiner is urged to form his own conclusion regarding the relevance of the cited information.

An early and favorable action is hereby requested.

Respectfully submitted,  
Arthur M. Krieg, et al., *Applicant*

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Telephone: (617) 720-3500

Docket No. C1039.70078US00  
Date: January 12, 2004  
**XNDDX**



FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/627,331

ATTY. DOCKET NO.: C1039.70078US00

FILING DATE: July 25, 2003

CONFIRMATION NO.: 4362

APPLICANT: Arthur M. Krieg, et al.

GROUP ART UNIT: 1632

EXAMINER: Not yet assigned

Sheet 1 of 10

**U.S. PATENT DOCUMENTS**

| Examiner's<br>Initials | Cite<br>No. | U.S. Patent Document |              | Name of Patentee or Applicant of Cited<br>Document | Date of Publication or of issue<br>of Cited Document<br>MM-DD-YYYY |
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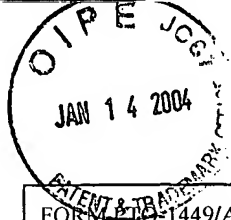
|  |   |    |    |                                    |  |                                   |  |
|--|---|----|----|------------------------------------|--|-----------------------------------|--|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |    | APPLICATION NO.: 10/627,331        |  | ATTY. DOCKET NO.: C1039.70078US00 |  |
|  |   |    |    | FILING DATE: July 25, 2003         |  | CONFIRMATION NO.: 4362            |  |
|  |   |    |    | APPLICANT: Arthur M. Krieg, et al. |  |                                   |  |
|  |   |    |    | GROUP ART UNIT: 1632               |  | EXAMINER: Not yet assigned        |  |
| Sheet  | 2 | of | 10 |                                    |  |                                   |  |

#### U.S. PATENT DOCUMENTS

| Examiner's Initials | Cite No. | U.S. Patent Document |    |                 | Name of Patentee or Applicant of Cited Document | D |
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#### FOREIGN PATENT DOCUMENTS

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|  |   |    |    |                                    |  |                                   |  |
|--|---|----|----|------------------------------------|--|-----------------------------------|--|
| <b>INFORMATION DISCLOSURE<br/>STATEMENT BY APPLICANT</b> |   |    |    | APPLICATION NO.: 10/627,331        |  | ATTY. DOCKET NO.: C1039.70078US00 |  |
|  |   |    |    | FILING DATE: July 25, 2003         |  | CONFIRMATION NO.: 4362            |  |
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|  |   |    |    | GROUP ART UNIT: 1632               |  | EXAMINER: Not yet assigned        |  |
| Sheet  | 3 | of | 10 |                                    |  |                                   |  |

#### FOREIGN PATENT DOCUMENTS

| Examiner's Initials | Cite No. | Foreign Patent Document |          |    | Name of Patentee or Applicant of Cited Document<br>(not necessary) | Date of Publication of Cited Document<br>MM-DD-YYYY | Translation (Y/N) |
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#### OTHER ART — NON PATENT LITERATURE DOCUMENTS

| Examiner's Initials | Cite No | Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
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FORM PTO-1449/A and B (Modified)

**INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

APPLICATION NO.: 10/627,331

ATTY. DOCKET NO.: C1039.70078US00

FILING DATE: July 25, 2003

CONFIRMATION NO.: 4362

APPLICANT: Arthur M. Krieg, et al.

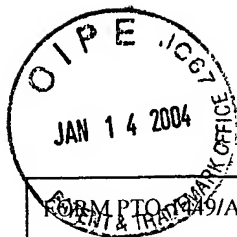
GROUP ART UNIT: 1632

EXAMINER: Not yet assigned

Sheet 4 of 10

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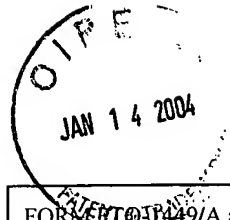
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|  |   | GROUP ART UNIT: 1632               | EXAMINER: Not yet assigned        |
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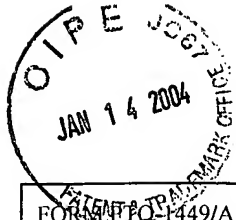
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|  |   |    |    | GROUP ART UNIT: 1632               |  | EXAMINER: Not yet assigned        |  |  |  |
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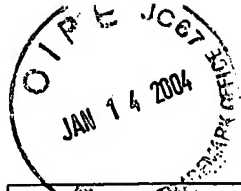
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|  |   | GROUP ART UNIT: 1632               |    | EXAMINER: Not yet assigned        |  |
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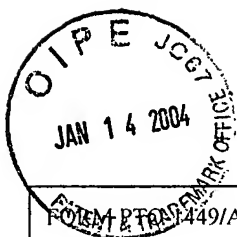
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|  |   | FILING DATE: July 25, 2003         |    | CONFIRMATION NO.: 4362            |  |
|  |   | APPLICANT: Arthur M. Krieg, et al. |    |                                   |  |
|  |   | GROUP ART UNIT: 1632               |    | EXAMINER: Not yet assigned        |  |
| Sheet  | 9 | of                                 | 10 |                                   |  |

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| Examiner's Initials | Cite No | Include name of the author (in CAPITAL LETTERS) title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, relevant page(s), volume-issue number(s), publisher, city and/or country where published. | Translation (Y/N) |
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